

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

BRIAN R. DEVINE, et al. on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

CITY OF HAMPTON, VIRGINIA,

Defendant.

Civil Action No. 4:14cv81-AWA-LRL

**MEMORANDUM IN SUPPORT OF JOINT MOTION FOR CONDITIONAL  
COLLECTIVE CERTIFICATION AND JUDICIAL NOTICE**

Plaintiffs filed their Collective and Class Action Complaint on July 2, 2014, alleging violations of Federal and State overtime law(s). By agreement of the parties, Defendant Answered on August 22, 2014 denying that it violated the Fair Labor Standards Act and any state overtime law. The parties have been in contact on multiple occasions and agree that this matter is appropriate for conditional collective action status and judicially approved notice to Putative Plaintiffs. The parties further agree that Putative Plaintiffs all worked for Defendant as non-exempt police officers during some of the relevant time period and all were affected to some degree by the various policies and practices that form the basis of the matters at issue in this litigation. The FLSA collective action mechanism is designed to permit a group of individuals with “common issues of law and fact” to proceed collectively and thus “efficient[ly] resol[ve their claims] in one proceeding.” Hoffmann-La Roche Inc. v. Sperling, 493 U.S. 165, 170 (1989).

By agreeing to this conditional certification, Defendant is not agreeing that collective certification will ultimately be appropriate and is not waiving its right to move to decertify the

collective following completion of discovery.

### **CONCLUSION**

The parties respectfully request the Court enter and approve the Agreed Order and Notice attached as Exhibit 1 to the parties' Motion.

Respectfully submitted,

Brian L. Devine, Individually, and all others  
similarly situated,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of December, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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